

1 **SHELLEY D. KROHN**

2 Trustee in Bankruptcy
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8 **UNITED STATES BANKRUPTCY COURT**
DISTRICT OF NEVADA

9

10 In Re:

11 ROUTH, DAKOTA D
12 ROUTH, KRISTINA K

13 Debtor(s).

14 Chapter 7
Case No. BK-S 16-12003 ABL

15 **MOTION FOR FORMAL DISMISSAL**
OF CHAPTER 7 CASE PURSUANT TO
11 U.S.C. §302(a)

16 **Date:** July 7, 2016
Time: 11:00 am

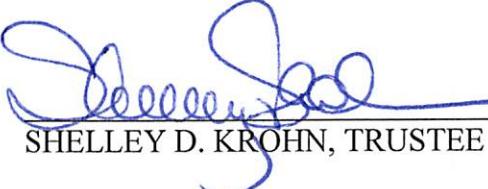
17 COMES NOW SHELLEY D. KROHN, Chapter 7 Trustee requesting the Court to
formally dismiss the above entitled case pursuant to 11 U.S.C. §302(a) for the following
reasons:

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- 19
- 20 1. On 04/14/16, Debtors filed a Joint Chapter 7 bankruptcy petition. [Dkt. 1]
- 21 2. Shelley D. Krohn was appointed to serve as Trustee [Dkt. 5]
- 22 3. The Debtors indicated that they are married on their Statement of Financial
- 23 Affairs filed on May 13, 2016 [Dkt. 11]
- 24 4. At the §341 meeting on May 18, 2016, the Debtors testified that they are not
- 25 legally married, and were not legally married on the date they filed Bankruptcy.
- 26
- 27
- 28

- 1 5. 11 U.S.C. §302(a) states, "A joint case under a chapter of this title is commenced
2 by the filing with the bankruptcy court of a single petition under such chapter by
3 an individual that may be a debtor under such chapter and such individual's
4 spouse."
- 5 6. Since the Debtor and Co-Debtor testified that they were not legally married at
6 the time the Bankruptcy Case was commenced, they are not entitled to file a joint
7 petition for bankruptcy relief.

9 WHEREFORE, the Chapter 7 Trustee requests the Court to formally dismiss this case.
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11 DATED: June 7, 2016
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13 SHELLEY D. KROHN, TRUSTEE
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11 **UNITED STATES BANKRUPTCY COURT**
12 **DISTRICT OF NEVADA**

13 In re

14 ROUTH, DAKOTA D
15 ROUTH, KRISTINA K

16 Debtor(s)

17 Chapter 7
18 Case No. BK-S 16-12003 ABL

19 ORDER FORMALLY DISMISSING
20 CHAPTER 7 CASE PURSUANT TO 11
21 U.S.C. §302(a) AND DISCHARGING
22 TRUSTEE

23 **Date:** July 7, 2016
24 **Time:** 11:00 am

25 The Trustee's Ex Parte Motion for Formal Dismissal of Chapter 7 Case Pursuant to 11
26 U.S.C. §302(a) having been filed and good cause appearing; it is hereby

27 **ORDERED** that this case is dismissed pursuant to 11 U.S.C. §302(a). It is further

28 **ORDERED** that Shelley D. Krohn, Trustee is hereby discharged as Trustee.

Submitted by:

SHELLEY D. KROHN, Trustee

CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

- The court has waived the requirement of approval under LR 9021(b)(1).

No party appeared at the hearing or filed an objection to the motion.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

X I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

IT IS SO ORDERED.